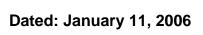
THIS ORDER IS APPROVED.





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In re:

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vs.

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IN THE UNITED STATES BANKRUPTCY COURT.

FOR THE DISTRICT OF ARIZONA

)	Chapter 11	
)	No. 4-02-bk 20378-J YM	`
\	110. 4-02-01-90378-31111	,

Adversary No. 405-ap-00182-J

JAMES M. MARLAR U.S. Bankruptcy Judge

MEXIORANDUM **DECISION**

(Opinion to Post)

Debtor.

THE CITY OF UTICA NY, et al.,

MEL M. MARIN and MILIVOJ

MILIVOJ MARINKOVIC

MARINKOVIC,

Defendan

Plaintiffs.

2005, the Plaintiffs moved to extend the four-month period required On December 23, by FED. R. CIV. P. 4 (m) (incorporated as FED. R. BANKR. P. 7004(a)(1)) to serve their complaint upon certain defendants. A review of the court's file discloses that the complaint was filed on May 12, 2005.

affidavit of service, filed on May 12, disclosed service by mail upon only two

Ligara Mohawk and the New York Public Service Commission (Dkt. 4). An amended defendants,

complaint was filed on September 12, 2005 (Dkt. 24). It was only served on Nigara Mohawk and New

York Public Service Commission (Dkt. 26).

 $h: \hspace{-0.1cm} \setminus \hspace{-0.1cm} wp \hspace{-0.1cm} \setminus \hspace{-0.1cm} a$

1	A certificate of service was filed on October 26, 2005 (Dkt. 35), showing service by mail
2	upon:
3	Mohawk Regional Water Board
4	City of Utica, NY
5	John Dillon
6	Timothy J. Julian
7	Timothy P. Doyce
8	Harry Scaramella
9	The court finds inadequate excuse to extend the abatement period of NED. R. BANKR. P.
10	7004. This is because service of an adversary complaint in a bankruptcy ease is extremely easy. The
11	Plaintiffs have had eight months to do sodouble the allocated time allowed by the Rule.
12	Accordingly the court will enter orders which:
13	1. DENY the Plaintiffs' motion to extend service of the adversary complaint; and
14	2. DISMISS the following unserved Defendants from the action:
15	William Grossman
16	Pat Madigan
17	Mohawk Regional Water Board
18	Midland Loan Services
19	J.P. Morgan Holding Company dba La Salle Bank
20	Steven M. Cox
21	The Law Firm of Waterfall Economides (sic)
22	Jeffrey Solomon
23	Steinburg, Fineo Law Firm
24	Dean Bell, individually and dba Magnolia Bearcat
25\	Eric Sparks
26	
	h:\wp\orders\ 2

Case 4:05-ap-00182-JMM Doc 59 Filed 01/11/06 Entered 01/11/06 09:59:39 Desc Main Document Page 2 of 3

1 DATED AND SIGNED ABOVE. 2 3 COPIES served as indicated below the day of January, 2006, upon: 4 Milivoj Marinkovic U.S. Mail 5 808 Oswego Utica, NY 13502 6 Mel M. Marin U.S. Mail 7 Box 2675 Vista, CA 92085 8 U.S. Mail Catherine M Hedgeman 50 Beaver Street Albany, NY 12207-2830 10 John L Favreau U.S. Mail 11 NYS Department of Public Service 3 Empire State Plaza 12 Albany, NY 12223 13 Email <a href="mailto:emailto: Scott D. Gan Mesch, Clark & Rothschild, P.C. 14 259 N. Meyer Ave. Tucson, AZ 85701 15 Office of the United States Trustee U.S. Mail 16 230 North First Avenue, Suite 204 Phoenix, AZ 85003-1706 17 18 By /s/ M.B. Thompson 19 Judicial Assistant 20 21 22 23 24 25 26 3 h:\wp\orders\